



**STATE OF NEW MEXICO
WATER QUALITY CONTROL COMMISSION**

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Constituent Agencies

Environment Department
Office of State Engineer
Game and Fish Department
Oil Conservation Division
Department of Agriculture
State Parks Division
Soil and Water Conservation Commission
Bureau of Geology and Mineral Resources
Municipal/County Representative
Members -at Large

Approved: April 14, 2004

**Minutes of the
New Mexico Water Quality
Control Commission Meeting
March 9, 2004**

The New Mexico Water Quality Control Commission (WQCC) meeting was held on March 9, 2004, at the New Mexico PERA Building, Apodaca Hall in Santa Fe, New Mexico.

MEMBERS PRESENT:

Ron Curry	Chair, New Mexico Environment Department
Cheryl Bada	State Parks Division
Mike Sloane	Department of Game and Fish
Steve Glass	City of Albuquerque - Municipal/County Representative
Maxine Goad	Member-at-Large
Edward Vigil	Member-at-Large
Howard Hutchinson	Soil and Water Conservation Commission
Doug Murray	Office of State Engineer
Lynn Brandvold	Bureau of Geology and Mineral Resources
Bill Olson	Oil Conservation Division
Julie Maitland	Department of Agriculture

MEMBERS ABSENT:

Fred Lujan	Member-at-Large
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OTHERS PRESENT:

Zack Schandler, WQCC Counsel	Geraldine Madrid-Chavez
Stuart Butzier	Jim Norton
Louis Rose	Greg Kaufman
Mike Bowen	BJ Brock
Eric Jantz	Lynette Guevara
Gary King	Marcy Leavitt
Stanley Rasmussen	Tracy Hughes

Jerry Schoeppner
Fred Kalish
Helga Schimkat
Maura Hanning
Steve Laurer
Chuck Noble
Johnnye Lewis
Kelly Bitner

Paul Halajian
Sara Koplik
Fred Fisher
Stacy Sabol
Jon Indall
Dennis McQuillin
Peter Luthiger
Mike Bowen

Mr. Ron Curry, Chair, called the meeting of the WQCC to order at 9:00 a.m.

Item #1: Roll Call

Geraldine Madrid-Chavez took roll and noted a quorum was present.

Item #2: Approval of the Agenda

Amendments to agenda are as follows:

- Remove item #4, which read: Discussion and Possible Action on WQCC-OCD Delegation – Geothermal matters.
- Move item #7 to follow item #3 becoming item #4.
- Move items #9 & #10 before item #8.

After amendments the following action was taken.

ACTION: Commissioner Sloane moved to approve the agenda as amended. Commissioner Glass seconded. Motion carried unanimously.

Commissioner Curry announced that HB19 passed with a 20-19 vote, and thanked Commissioner Goad for her past work, which helped this bill get passed.

At this time Mr. Jim Norton sat in as Acting Chair and Hearing Officer for Item #3.

Item #3: Approval of Order In the Matter of Richard Septic Service

After discussion and amendments in the above matter the following action was taken:

ACTION: Commissioner Olson moved to approve the Order in the Matter of Richard Septic Services as amended. Commissioner Maitland seconded. Motion carried unanimously.

At this time Commissioner Curry returned as Chair.

Item #4: (Previously item #7) Briefings on Litigation: (a) LANL vs. WQCC (b) Forest Guardians v. EPA

Ms. Tracy Hughes, gave an update to the Commissioner in regards to the Briefing on Litigation in the case of Forest Guardian v. EPA. Ms. Hughes noted this case comes from the 1999 Triennial Review and noted that the appeal occurred in 2002 and the briefing was in September of 2003. Ms. Hughes states 2 claims were filed. The first claim was settled and arguments were reserved. The second claim was briefed and argued. Ms. Hughes stated she would return and update the Commission as soon as this issue is resolved.

Item #5: Renewal of Open Meetings Act Resolution

ACTION: Commissioner Olson moved to Renew the Open Meetings Act Resolution as presented. Commissioner Brandvold seconded. Motion carried unanimously.

Item #6: Surface Water Quality Bureau (SWQB) to request WQCC Member edits to test of Draft 2004-2006 CWA integrated § 303 (d)/305 (b) Report.

Ms. Marcy Leavitt, Ms. Lynette Guevara & Mr. Gary King of the Surface Water Quality Bureau, requested the Commission give editorial comments on the Draft 2004-2206 CWA integrated § 303 (d)/305 (b) report. All comments must be submitted by the end of the comment period, which is May 13, 2004. Ms. Guevara stated the Surface Water Quality Bureau will be returning to the April 13, 2004 Commission meeting for approval to open the 30 day comment period.

Item #9: Other Business

No other business at this time.

Item #10: Next Meeting

The next meeting of the Water Quality Control Commission is scheduled for April 13 & 14, 2004.

ACTION: Commissioner Sloane moved to adjourn. Commissioner Maitland seconded. Motion carried unanimously.

Item #8: Continuation of Standards Hearing (WQCC 02-18)

The continuation of the Standards Hearing was held in Santa Fe on March 9, 2004 regarding Petition No. WQCC 02-18 at approximately 10:30 a.m. In attendance were Ms. Felicia Orth, Hearing Officer, and the Commission Members listed above. This hearing was transcribed and the transcripts will be in the custody of the Administrator. It is available for viewing upon request.

At this time Ms. Felicia Orth announced a break in the hearing to complete item #4(a) of the WQCC agenda.

Continuation of Item #4 (a) Briefings on Litigation: (a) LANL vs. WQCC

Mr. Zach Shandler, Commission Counsel, gave an update to the Commission in regards to the Briefing on Litigation in the case of LANL vs. WQCC. Mr. Shandler stated the case was fully briefed and oral arguments were given. Mr. Shandler, also informed the Commission that the Court did not rule from the bench and did not inform anyone as to when the decision would be made.

The hearing reconvened.

Ms. Felicia Orth, Hearing Officer, announced that the record would stay open for submission of Finding of Facts, Conclusions of Law and Written Closing Arguments.

WQCC, Chair